

October 2, 2017

West Des Moines City Council Proceedings
Monday, October 2, 2017

Mayor Steven K. Gaer opened the regularly scheduled meeting of the City Council of West Des Moines, Iowa, in the Council Chambers of the West Des Moines City Hall on Monday, October 2, 2017 at 5:30 PM. Council members present were: R. Messerschmidt, K. Trevillyan, and R. Trimble. J. Mickelson participated via telephone

On Item 1. Agenda. It was moved by Trimble, second by Messerschmidt approve the agenda as presented.

Vote 17-561: Messerschmidt, Mickelson, Trevillyan, Trimble...4 yes
Motion carried.

On Item 2. Public Forum

Jeremy Christiani, 1100 50th Street, Unit 1102, expressed concerns that he has not been satisfied with the Police Department's responses to his complaints about illegal and obscene activity occurring at the drinking establishments near his home.

Mayor Gaer requested that staff schedule a meeting with Mr. Christiani to address his concerns.

Mark Rocha, 495 South 51st Street, expressed appreciation to the City that the streetlights along South 50th Street have now been installed.

On Item 3. Council/Manager/Other Entities Reports:

Fire Chief Craig Leu introduced Fire Lieutenant Corry Dolbeer and Firefighter Ty Larsen. They were then sworn in by Mayor Gaer.

Interim Police Chief James Barrett introduced Police Officers Lee Gebhardt and Nathan Grove. They were then sworn in by Mayor Gaer.

Debi Durham, Iowa Economic Development Authority, presented information on ways the State of Iowa is growing in international trade. She also highlighted Iowa's trade relationship with Israel and reported on potential opportunities to expand that partnership, as she attended a trade mission to Israel in September with representatives from the City of West Des Moines

John Norwood, Vice Chair of the Sister Cities Commission, provided a report on the Sister Cities Commission's activities, which have been focused on developing a relationship with the delegation from Match Asher.

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Jamie Letzring, Deputy City Manager, and Clyde Evans, Director of Community and Economic Development, provided a report on potential business partnerships that were discussed during the trade mission to Israel.

Council member Trevillyan reported he and several staff attended a seminar on skilled trades featuring Mike Rowe. He also reported that several Valley Junction businesses that participated in the Co-Sign project will have their new signs unveiled on Friday, October 6th, and the City received an award recognizing its support for that project. He also reported that Historic Valley Junction is one of the finalists to receive funding through the “Partners in Preservation” contest, and he encouraged everyone to help by voting at votevalleyjunction.org.

Council member Trimble reported the Finance and Administration Subcommittee met and discussed a proposed contract for grave preparation services, proposed adjustments to some Parks and Recreation fees, and a proposed budget amendment.

Council member Messerschmidt reported he attended a press conference at The Foundry, which is expected to open sometime in the next several weeks.

Mayor Gaer congratulated West Des Moines Human Services for a successful “Sunday Supper in Our Town” fundraiser, which raised approximately \$63,000.

On Item 4. Consent Agenda.

Council members pulled Item 4(g)3 for discussion. It was moved by Messerschmidt, second by Trevillyan to approve the consent agenda as amended.

- a. Approval of Minutes of September 18, 2017 Meeting
- b. Approval of Bill Lists
- c. Approval of Liquor Licenses:
 - 1. WDM Sports, LLC d/b/a 1908 Draught House, 196 South 50th Street - Class LC Liquor License with Sunday Sales and Outdoor Service - New
 - 2. Two Tees, LLC, d/b/a Blu Toro, 5585 Mills Civic Parkway, Suite 110 - Class LC Liquor License with Sunday Sales and Outdoor Service - Renewal
 - 3. MLC Holdings, LLC, d/b/a Blue Moon Dueling Piano Bar & Restaurant, 5485 Mills Civic Parkway - Class LC Liquor License Extension of Outdoor Service - October 14, 2017
 - 4. Robert F. Etzel II d/b/a Chicago Pizza, 2025 Grand Avenue - Class LC Liquor License with Sunday Sales - New
 - 5. Costco Wholesale Corporation d/b/a Costco Wholesale #788, 7205 Mills Civic Parkway - Class LE Liquor License with Carryout Wine, Carryout Beer, and Sunday Sales - Renewal
 - 6. Hy-Vee, Inc. d/b/a Hy-Vee Meeting Room, 1725 Jordan Creek Parkway - Transfer Location Temporarily to 1236 Jordan Creek Parkway (SpringHill Suites)

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- October 11-12, 2017
- 7. Hy-Vee, Inc. d/b/a Hy-Vee Meeting Room, 1725 Jordan Creek Parkway - Transfer Location Temporarily to 1236 Jordan Creek Parkway (SpringHill Suites) - October 23-24, 2017
- 8. Kiss My Grits, LLC, d/b/a The Irish, 560 South Prairie View Drive - Class LC Liquor License with Sunday Sales and Outdoor Services - Renewal
- 9. Jethro's and Jaspers, Inc. d/b/a Jethro's Jambalaya, 9350 University Avenue - Class LC Liquor License with Sunday Sales, Outdoor Service, and Catering Privileges - Renewal
- 10. Monterrey III, LLC, d/b/a Monterrey III, 6630 Mills Civic Parkway, Unit 3116 - Class LC Liquor License with Sunday Sales - Renewal
- 11. Roam One, LLC d/b/a Vision Night Club, 2700 University Avenue, Suite 200 - Class LC Liquor License with Sunday Sales - New
- 12. Your Private Bartender, LLC d/b/a Your Private Bartender, 1701 25th Street, Suite 102 (Events Center West) - Six-Month Class LC Liquor License with Sunday Sales and Outdoor Services - New
- d. Approval of Cigarette/Tobacco Permit
- e. Approval of Memorandum of Agreement - DMARC Food Pantry
- f. Approval to Sell Surplus City Equipment
- g. Approval of Contract Agreements:
 - 1. Cul-de-Sac Snow and Ice Control Services
 - 2. HVAC Repair Services
- h. Approval of Professional Services Agreement - Raccoon River Greenway Project
- i. Approval of Amendments to Professional Services Agreements:
 - 1. Grand Avenue West Segment 6F Sewer Extension, #1
 - 2. Raccoon River Bank Stabilization, #1
- j. Approval and/or Ratification of Specific Fees and Charges - Parks and Recreation
- k. Approval to Add Villas at Kierland to the City's Solid Waste Collection Program and Approval and Acceptance of Hold Harmless Agreement
- l. Acceptance of Public Improvements - Wirtz Commercial Park Plat 5 (Sanitary Sewer)
- m. Establish Public Hearing Regarding the Final Design, Site Selection and Consideration of Acquiring Agricultural Property - Raccoon River Bank Stabilization
- n. Approval and Acceptance of Hold Harmless Agreement - 221 5th Street
- o. Approval and Acceptance of Purchase Agreements and Property Interests:
 - 1. Ashworth Road Improvements, Phase 2
 - 2. Project Osmium Public Infrastructure
- p. Approval of Settlement Agreement - Robert and Jill Lauckner
- q. Approval of Reimbursement - Various Capital Project Funds

Vote 17-562: Messerschmidt, Mickelson, Trevillyan, Trimble...4 yes
Motion carried.

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On Item 4(g)3 Approval of Contract Agreement - Grave Preparation Services

Council member Trevillyan noted only one proposal was submitted, and he inquired if staff is comfortable with that proposal.

Sally Ortgies, Parks and Recreation Director, responded there are only three grave preparation contractors in the area that staff is aware of. The current contractor notified staff it would be raising its rates significantly, therefore staff issued the RFP to compare prices. The prices of the submitted proposal are comparable to the current contractor's new rates, as well as the rates paid by comparable cemeteries in the area, so staff is comfortable with those prices.

It was moved by Trevillyan, second by Messerschmidt to approve Item 4(g)3 Approval of Contract Agreement - Grave Preparation Services.

Vote 17-563: Messerschmidt, Mickelson, Trevillyan, Trimble...4 yes
Motion carried.

On Item 5(a) Amendment to City Code - Title 6 (Motor Vehicles and Traffic), Chapter 9 (Traffic Schedules), Section 5 (Special Restricted No Parking Areas) - Western Hills Drive, 39th Street to 40th Street, initiated by the City of West Des Moines

It was moved by Messerschmidt, second by Trimble to consider the second reading of the ordinance.

Vote 17-564: Messerschmidt, Mickelson, Trevillyan, Trimble...4 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Messerschmidt, second by Trimble to approve the second reading of the ordinance.

Vote 17-565: Messerschmidt, Mickelson, Trevillyan, Trimble...4 yes
Motion carried.

It was moved by Messerschmidt, second by Trimble to waive the third reading and adopt the ordinance in final form.

Vote 17-566: Messerschmidt, Mickelson, Trevillyan, Trimble...4 yes
Motion carried.

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On Item 5(b) Amendment to City Code - Title 5 (Police Regulations), Chapter 2 (Criminal Code), Section 14 (Fireworks) - Regulate the Use of Consumer and Display Fireworks, initiated by the City of West Des Moines

It was moved by Trimble, second by Messerschmidt to consider the second reading of the ordinance.

Vote 17-567: Messerschmidt, Mickelson, Trimble ... 3 yes
Trevillyan ... 1 no

Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Trimble, second by Messerschmidt to approve the second reading of the ordinance.

Vote 17-568: Messerschmidt, Mickelson, Trimble ... 3 yes
Trevillyan ... 1 no

Motion carried.

On Item 6(a) Mayor Gaer indicated this was the time and place for a public hearing to consider Chateau 88, 752 88th Street - Amend the Comprehensive Plan Land Use Map from High Density Residential to Single Family and Designate Residential Single Family Zoning, initiated by Chateau 88, LLC. He asked for the date the notice was published and the City Clerk indicated the notice was published on September 15, 2017 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated on a vote of 6-0, with one member absent, the Plan and Zoning Commission recommended City Council approval of the comprehensive plan amendment and rezoning request.

Mayor Gaer asked if there were any public comments; hearing none he declared the public hearing closed.

It was moved by Trimble, second by Messerschmidt to adopt Resolution - Approval of Comprehensive Plan Amendment.

Vote 17-569: Messerschmidt, Mickelson, Trevillyan, Trimble...4 yes
Motion carried.

It was moved by Trimble, second by Messerschmidt to consider the first reading of the ordinance.

Vote 17-570: Messerschmidt, Mickelson, Trevillyan, Trimble...4 yes
Motion carried.

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The City Clerk read the preamble to the ordinance.

It was moved by Trimble, second by Messerschmidt to approve the first reading of the ordinance.

Vote 17-571: Messerschmidt, Mickelson, Trevillyan, Trimble...4 yes
Motion carried.

On Item 6(b) Mayor Gaer indicated this was the time and place for a public hearing to consider Amendment to City Code - Title 2 (Boards and Commissions), Chapter 1 (Plan and Zoning Commission) and Title 9 (Zoning), Chapter 1 (Entitlements - Process and Procedures) - Modify Requirements for Referral of Comprehensive Plan and Zoning Amendments, initiated by the City of West Des Moines. He asked for the date the notice was published and the City Clerk indicated the notice was published on September 15, 2017 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated on a vote of 6-0, with one member absent, the Plan and Zoning Commission recommended City Council approval of the ordinance amendment.

Mayor Gaer asked if there were any public comments; hearing none he declared the public hearing closed.

It was moved by Messerschmidt, second by Trimble to consider the first reading of the ordinance.

Vote 17-572: Messerschmidt, Mickelson, Trevillyan, Trimble...4 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Messerschmidt, second by Trimble to approve the first reading of the ordinance.

Vote 17-573: Messerschmidt, Mickelson, Trevillyan, Trimble...4 yes
Motion carried.

On Item 6(c) Mayor Gaer indicated this was the time and place for a public hearing to consider Law Enforcement Center Metal Roof Maintenance, initiated by the City of West Des Moines. He asked for the date the notice was published and the City Clerk indicated the notice was published on September 22, 2017 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated none had been received.

Mayor Gaer asked if there were any public comments; hearing none he declared the public hearing closed.

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It was moved by Trimble, second by Messerschmidt to adopt Resolution - Approval of Plans and Specifications and Motion to Receive and File Report of Bids.

Vote 17-574: Messerschmidt, Mickelson, Trevillyan, Trimble...4 yes
Motion carried.

On Item 7(a) School of Classical Ballet, 1509 42nd Street - Approval of a Phased Site Plan to Allow Grading of the Site and Installation of Underground Private Utilities, initiated by School of Classical Ballet

It was moved by Trimble, second by Messerschmidt to adopt Resolution - Approval of a Phased Site Plan, subject to the applicant complying with all applicable City Code requirements and the conditions of approval listed in the Resolution.

Vote 17-575: Messerschmidt, Mickelson, Trevillyan, Trimble...4 yes
Motion carried.

On Item 8(a) RB WDM Grand LLC PUD, 1525 and 1535 Grand Avenue - Establish Planned Unit Development to Regulate Codes and Standards of Property and Zone the Property Office - City Initiated - Referred to Plan and Zoning

On Item 8(b) Amendment to City Code - Title 9 (Zoning) - Establish Regulations for the Allowance of Single Family Homes in Valley Junction Historic Business District and Valley Junction Commercial District - City Initiated - Referred to Plan and Zoning

On Item 9 - Other Matters

Council member Trimble expressed concerns that the Valley Stadium sound system is disturbing residents in that area.

City Manager Tom Hadden reported staff has been working with the West Des Moines Community School District to resolve the issue. He stated the next step will be for the speakers to be redirected to project the sound towards the stands, as opposed to its current position which projects the sound straight north over the field and into the neighborhoods. If that doesn't resolve the issue, than further changes to the sound system may be needed.

The meeting was adjourned at 6:38 p.m.

Respectfully submitted,

Ryan T. Jacobson, CMC
City Clerk

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ATTEST:

Steven K. Gaer, Mayor